



Election / #6
J 2/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016777/0454

In re patent application of

Indu J. ISAACS

Serial No. 09/750,022

Group Art Unit: 1653

Filed: December 29, 2000

Examiner: C. Kam

Title: GLP-2 FORMULATIONS

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This paper is filed in response to the Restriction Requirement, mailed on January 3, 2002.

The Examiner restricted the claims of the application into the following two groups:

Group 1: Claims 36-42, drawn to a method of making a lyophilized formulation of GLP-2 comprising preparing a GLP-2 formulation, freezing the formulation, and drying the formulation, classified in class 514, subclass 2, and

Group II: Claims 49-54, drawn to a method of treating a human or animal having a disorder or condition comprising administering a GLP-2 formulation, classified in class 514, subclass 2.

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In response, Applicants elect Group II, claims 49-54, together with product claims 1-35 and 43-48, for prosecution in the subject application, with traverse.

The basis of the traversal of the restriction is that the Examiner has failed to properly establish the need for a restriction requirement. The criteria for a proper restriction requirement, according to MPEP § 803, is that the Examiner must establish that the inventions are independent or distinct as claimed and that there is a

serious burden on the Examiner to examine the entire application. In the case at issue, it is respectfully submitted that examination of Groups I and II is not a serious burden, as evidenced by the fact that both Groups are classified in class 514, subclass 2. Withdrawal of the restriction requirement is respectfully requested.

Applicants reserve the right to prosecute the subject matter of the non-elected claims in this or another application.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

2/2/02
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

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